

CITY COUNCIL MINUTES

April 28, 2014

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 28, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:15 p.m.

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: Interim City Manager Rich Ramirez, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Police Chief John Ruffcorn and Police Lieutenant Victor Pecoraro.

CLOSED SESSION

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:
MOTION: Nesbitt/ Holmes/ Unanimously approved by voice

1. Conference with Labor Negotiators:

(G.C. 54957.6)

Agency Designated Representatives: Rich Ramirez

Employee Group: All Bargaining Units

2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))

Name of Case: David Lawicka v. City of Auburn

Names of Parties or Claimants: David Lawicka

WCAB Nos. ADJ8999797; ADJ8911950; ADJ9120637; ADJ9120557; ADJ9120634

(Workers' Compensation Appeals Board)

3. Public Employee Appointment:

(G.C. 54957)

Title: City Manager

REPORT OUT OF CLOSED SESSION

Mayor Powers reported Council has identified a preferred candidate for City Manager and will begin negotiations with that candidate.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

AGENDA APPROVAL

The agenda was approved as presented by consensus of Council.

CONSENT CALENDAR

1. Minutes

By **MOTION**, approve the City Council minutes of 3/24/2014.

The 3/10/2014 minutes will be tabled until the next meeting due to missing pages in the agenda packet.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

The motion was made by Council Member Nesbitt and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

2. Public Comment

Council Member Holmes asked for estimate on city staff costs/ impact for upcoming "Let's Not Forget" event in September.

Council Member Nesbitt spoke about Col. Bud Anderson event held April 27th. Council Member Kirby concurred and spoke about the event.

Council Member Hanley spoke about "May is Bike Month".

COUNCIL BUSINESS

3. Employer – Employee Relations Resolution ("EERR")

Interim City Manager Rich Ramirez presented this item. He said this matter stems from the Meyers-Milias Brown Act, which is the collective bargaining law that governs the labor management relations in California local governments including cities, counties and special districts. He said the Act authorizes the City to adopt reasonable procedures for the administration of employer-employee relations between the city and its workers. He said the Meyers-Milias Brown Act

has been amended since the adoption of the city's current employee-employer relations policy. He said the proposed EERR contains updates to be consistent with those amendments. He said additionally, in the interest of government transparency, the new EERR contains transparency and bargaining procedures for the Council's consideration. He said the intent is to provide greater transparency in the collective bargaining process by: initial proposals from the city and each bargaining unit will be available for public review along with a fiscal analysis of each. All negotiations thereafter would be contained in confidence. When the meet-and-confer process is concluded between the city's representatives and exclusive recognized employee organizations, all matters agreed upon will be incorporated in a written memorandum of understanding (MOU). The MOU and a fiscal analysis of the proposed MOU will be made available to the public for two weeks before the Council acts on it.

City Attorney Michael Colantuono said the Meyers-Milius-Brown Act distinguishes between the things we must bargain with our employees about (terms of employment, wages, conditions of employment) and those things which are management rights including establishing rules governing how we recognize bargaining units and the framework for negotiations. He said this document falls into that management rights category. He said the City met with the employees to discuss this over the course of the last year, and have reached agreement with all the bargaining units that these terms are acceptable with the exception of the Auburn Police Officers Association (APOA) which has concerns about the transparency in bargaining provision. He said what the transparency in bargaining provision describes is the City's existing practice, which is that when the City receives initial proposals at the table, the City takes those proposals and analyzes the financial impact on the City and makes those publically available. He said then all negotiations continue in confidence until an agreement is reached and then the city makes the MOU available on the website for at least two weeks before Council takes action on the MOU. He said the purpose of the transparency in bargaining policy is to allow the public to know what the City is doing and to allow them to know what things cost and what we can get for what we are spending their dollars on. He said the APOA objects to this proposal, stating their concern is that it could lead to inappropriate posturing in City and bargaining unit's opening proposals.

Council Member Nesbitt asked about when this was brought up last year and if there was no offer to mediate the disagreement with the APOA before tonight. Council Member Hanley asked about the timeline in the resolution on the transparency in bargaining issue.

Mayor Powers confirmed that the City used the transparency in bargaining procedure with all the units except APOA last year.

Council Member Nesbitt said that the public's demand for more transparency is why this bargaining tool was implemented.

Council Member Kirby asked about the other units who have accepted this EERR.

No public comment.

Council Member Hanley spoke about the irresponsible decisions of other local governments which had collective bargaining agreements that were not shared with the public and did not include fiscal analysis. He said this bargaining procedure provides accountability and sufficient transparency.

Council Member Kirby said he doesn't understand the concerns from the APOA unit. He said he is in favor of the policy as long as all units have agreed to it. He said he is disappointed that no one from that unit came to tonight's discussion. He said until he better understands their concerns, he is not ready to vote on this item.

Council Member Holmes spoke about the media coverage on this topic in the past and present, and said he would like to move forward.

By **RESOLUTION 14-28**, consider adoption of the updated Employer-Employee Relations Resolution.

The motion was made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Nesbitt, Powers

Noes: Kirby

Abstain:

Absent:

4. **2014 Sewer Rate Study & Analysis Report**

Public Works Director Bernie Schroeder presented this item. She reviewed the feasibility of moving from a flat-rate structure to a water consumption structure, details of the rate factor for restaurants, specific amount programmed for the regional sewer project, and ability to subsidize senior citizens on fixed incomes (also detailed in the staff report). She reviewed the attachments: (a) the Draft Proposition 218 Notice, (b) the Draft 2014 Sewer Rate Study Update and (c) 2007 Sewer Rate Study.

Council Member questions followed regarding: (1) administrative costs on a water consumption structure, (2) restaurant rates, (3) CPI review by Council, (4) lift station charges, (5) sewer funds for staff costs.

Public Comment: Joseph Tucciarone, business owner of Fairgate Carwash, spoke about the effect of rates on his business.

Council Member comments followed regarding: (1) regional sewer cost, (2) administrative costs for consumption based billing, (3) lift stations, and (4) appeals process.

By **RESOLUTION 14-29**, preliminarily accept a sewer rate analysis and direct staff to give notice of a majority protest hearing pursuant to Proposition 218. The motion was made by Council Member Holmes and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

REPORTS

5. City Council Committee Reports

Council Member Holmes reported on the grant received for installation of electric vehicle charging stations. He also reported on his upcoming trip to Washington, D.C. He reported that the State Theater will be “going dark” in a few days for the restoration. He said it’s planned to reopen in 90–120 days.

Council Member Nesbitt reported on the “May is Bike Month” and Amgen Tour of California coming to town.

Council Member Kirby reported on the “Let’s Not Forget” event in September.

Mayor Powers reported on the Placer County Economic Development Board and discussed tourism in Auburn. She reported on the Auburn Airport Business Park Association meeting.

ADJOURNMENT

Mayor Powers adjourned the meeting at 7:24 p.m., without objection, to an adjourned meeting Thursday, May 1 at 7:30 pm in Council Chambers to continue discussion of the closed session items.

Bridget Powers, Mayor

Stephanie L. Snyder, City Clerk

CITY COUNCIL MINUTES
May 12, 2014
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, May 12, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:15 p.m.

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: Interim City Manager Rich Ramirez, Assistant City Attorney Michael Cobden, Public Works Director Bernie Schroeder, Senior Planner Reg Murray, Transit Analyst Megan Siren, Deputy City Clerk Amy Lind, and Police Lieutenant Victor Pecoraro.

CLOSED SESSION

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:

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2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))

Name of Case: David Lawicka v. City of Auburn

Names of Parties or Claimants: David Lawicka

WCAB Nos. ADJ8999797; ADJ8911950; ADJ9120637; ADJ9120557; ADJ9120634

(Workers' Compensation Appeals Board)

3. Conference with Legal Counsel (G.C. 54956.9(c))

Initiation of Litigation: One potential case

REPORT OUT OF CLOSED SESSION

Mayor Powers said there were no reportable actions.

PLEDGE OF ALLEGIANCE by Boy Scout Troop 738.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Powers presented a commendation for Officer Brent Froberg for his retirement from Auburn Police Department.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Council Member Holmes removed items 4 and 5. Council Member Hanley removed item 8.

1. Minutes

By **MOTION**, approve the City Council minutes of 3/10/2014, 4/14/2014, 4/21/2014, 4/26/2014, and 4/27/2014.

2. Assignment/Assumption of the Auburn Airport Industrial Park Land Lease at 2390 Lindbergh Street

By **RESOLUTION 14-30**, authorize the City Manager or his designee to approve the assignment/assumption of the subject land lease and improvements between the City of Auburn and Enkel Enterprises, LLC, a California limited liability company and authorize the execution of the document.

In a second action, by **RESOLUTION 14-31**, authorize the City Manager or his designee to approve one (1) Lessor's Consent of Leasehold Deed of Trust document, originating from the Safe Credit Union and authorize the execution of the documents.

3. Medical Savings Plan for APOA and APSA

By **RESOLUTION 14-32**, authorize the Interim City Manager to transfer \$357,288.17 from the general fund to Mid America to fund the Medical Savings Plan.

4. 2014 Placer County Air Pollution Control District Clean Air Grant Contract Electric Vehicle Charging Stations Project

Removed from consent calendar; see 8a.

5. Construction Award – Airport Truck Shed

Removed from consent calendar; see 8b.

6. **Request for Services of the Placer County Clerk for General Municipal Election**

By **RESOLUTION 14-35** approve the request of the City Clerk of the City of Auburn to utilize the services of the Placer County Clerk for the General Municipal Election of November 4, 2014.

7. **City Manager Employment Agreement**

By **RESOLUTION 14-36**, approve the Employment Agreement for Timothy L. Rundel.

8. **Authorization to Apply - 2014 HOME Program**

Removed from consent calendar; see 8c.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar excluding items 4, 5 and 8 and noting Council Member Nesbitt's correction to item 1.

The motion was made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

8a. **2014 Placer County Air Pollution Control District Clean Air Grant Contract Electric Vehicle Charging Stations Project**

Council Member Holmes asked about the locations listed for the charging stations (City Hall and Multimodal Parking lot). He suggested locations that could help the local economy.

Council Member questions followed regarding public access, power costs, charging time limits and economy of scale with adding one more charging station at the cost of the City.

Public Works Director Bernie Schroeder explained the process of picking locations for these charging stations. She said she spoke with staff at the Placer County Air Pollution Control District about possibly changing locations. She said these are public stations and there is no cost to charge cars.

Council Member discussion followed regarding different locations within the City, the grant process, private charging stations.

Mayor Powers spoke about the donation by Clipper Creek, Inc. of these charging stations.

By **RESOLUTION 14-33**, authorize the Director of Public Works to sign and execute the Clean Air Grant Contract No. CN000775 with the Placer County Air Pollution Control District for the Electric Vehicle Charging Station Project. The motion was made by Council Member Holmes and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

8b. **Construction Award – Airport Truck Shed**

Council Member Holmes asked about building permits on this project.

Public Works Director Bernie Schroeder said the permits will be issued once approved.

By **RESOLUTION 14-34**:

1. Find the Auburn Airport Truck Shed Project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15302 Replacement or Reconstruction of Existing Facilities.

2. Authorize the Director of Public Works to enter into a construction agreement with Capital Improvements for the Airport Truck Shed in an amount not to exceed \$55,904.

The motion was made by Council Member Holmes and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

8c. **Authorization to Apply - 2014 HOME Program**

Council Member Hanley asked about the complexity of the application involved in this program.

Senior Planner Reg Murray explained the data and statistics that are required to be included in the application.

Council Member Hanley asked about utilizing staff as opposed to a consultant for this process.

Reg Murray said they rely on the consultant to do the technical parts of the application. He said consultant has the expertise to put the application together.

Council conversation followed regarding funds to administer the grant.

Council Member Holmes asked about the mPower Program through Placer County and priority of the waiting list for the HOME program.

Council Member comments followed regarding consultant rates and options.

Council Member Hanley said he is concerned about hiring a consultant to fill out an application that doesn't seem to be very complex.

Mayor Powers spoke about her experience in getting denied for grants when applications are not filled out by consultants who specialize in grant applications.

Council Member comments followed regarding all costs in administering this program and whether there is a need for consultant services.

By **MOTION**, direct staff to prepare an application to HCD in response to the 2014 HOME NOFA that includes the First Time Homebuyer (FTHB) and Owner Occupied Rehabilitation (OOR) programs.

The motion was made by Council Member Nesbitt and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Holmes, Kirby, Nesbitt, Powers

Noes: Hanley

Abstain:

Absent:

9. **Public Comment**

Council Member Holmes spoke about the Chamber of Commerce's delayed move into 1103 High Street due to work being done on the building.

Mayor Powers thanked the AMGEN Tour of California for bringing the 2014 tour through Auburn yesterday.

COUNCIL BUSINESS

10. City Clerk's Office Update

City Clerk Stephanie Snyder provided the annual report for the City Clerk's office. She spoke about the success of the "FastNews" newsletter, research completed on various document management systems and the cloud-based content management system being proposed tonight (Granicus). She said because Granicus will allow for video streaming on the City of Auburn website, there are equipment upgrades needed in the Council Chambers to supply a better video/ audio product.

Deputy City Clerk Amy Lind did a demonstration of how Granicus will function when implemented (using City of Chico website).

Stephanie Snyder spoke additionally of all the features Granicus will provide. She said funds for the upgrades to the equipment in the Council Chambers will be used from the funds previously budgeted for this project last year.

Council Member questions followed regarding (1) hosted storage limitations, (2) adding a second camera to the Chambers, (3) other cities using Granicus (4) ongoing costs, (5) quality of video, (6) commissions module, (7) document management systems, and (8) 311 citizen reporting software.

Robert Snyder, resident of Auburn, spoke about the current unavailability of the video of the council meetings and spoke of the importance of improving the quality and availability. He spoke of citizen reporting software he looked into in the past.

Glenn Tonkin, president of Auburn Community Television (ACTV), agreed there are problems with current equipment being used to record the meetings. He spoke about ACTV's efforts to improve that they can with the budget they are given.

Council Member comments followed regarding improved transparency, support of the project and the work done by the City Clerk's office.

By **RESOLUTION 14-37**, authorize staff to continue modernizing the office with a cloud-based content management system (Granicus, Inc.) and related equipment for the City Council Chambers, using currently budgeted funds for immediate one-time expenditures and including ongoing service fees and minor equipment purchases in the FY 2014-15 budget.

The motion was made by Council Member Nesbitt and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

The Council recessed at 7:45 p.m. for 5 minutes

The City Council, by consensus, moved item 13 to 10a.

10a. **Intention to Levy Annual Assessment Fee for Business Improvement Districts** (formerly item 13)

This item was presented by Assistant City Attorney Michael Cobden. He said this is the annual initiation process to assess the Business Improvement District fees.

Public comment:

Steven Galyardt, Treasurer of the Downtown Business Association, gave a report on activities of the Downtown Business Association.

Council Member questions followed regarding holiday decorations and upcoming events.

Council Member Holmes spoke about the Old Town Business Association.

By **RESOLUTION 14-38:**

1. Appoint the City Manager as the advisory board for the Old Town Business Improvement District and for the Downtown Business Improvement District and direct him to produce the report required pursuant to Section 36533 of the 1989 Law for Fiscal Year 2014/15.
2. Approve the Annual Reports as filed by the advisory board for both the Old Town Business Improvement District and for the Downtown Business Improvement District.
3. Set a Public Hearing for June 9, 2014 to levy annual assessment fees for fiscal year 2014/15 within the Old Town Business Improvement District and the Downtown Business Improvement District.

The motion was made by Council Member Hanley and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

11. **Certified Public Accounting Firm (VTD, LLC) and Budget Schedule**

Interim City Manager Richard Ramirez presented this item. He said the contract finance accounting firm has brought the City up to date with journal entries and bank reconciliations. He said this action will allow for a month to month agreement with the firm.

Council Member Holmes asked if a contract employee will spend time on-site.

Council Member Nesbitt asked about the terms of the agreement.

By **MOTION**, authorize the Interim City Manager to retain VTD, a certified public accounting firm, as the City's contract Finance Director and set the general review of the FY 2015 Budget by the Administrative Committee tentatively for May 20, 2014 at 8:15 a.m. and the City Council's first FY 2015 budget hearing as June 9, 2014 at 6:00 p.m., provided a majority of the City Council can make this date.

The motion was made by Council Member Holmes and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

12. **Consider Adopting Policies and Procedures for Establishing a Council Follow-up Log**

Interim City Manager Richard Ramirez presented this item. He said a follow up log is a standard procedure and many cities use them.

Council Member questions and comments followed regarding (1) city council member involvement, (2) public comment follow up, and (3) current procedure for council comments/ agenda items.

By **MOTION**, adopt the staff recommendation of a follow up log focusing on public comment by citizens only; possibly expanding to city council comments at a later point.

The motion was made by Council Member Hanley and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

13. **Intention to Levy Annual Assessment Fee for Business Improvement Districts** – see 10a.

14. **Draft Auburn Deficit Elimination Plan and Triggers (ADEPT)**

Interim City Manager Richard Ramirez presented this item. He said due to the Council facing a stringent financial crisis, a strategy is needed to help over the next couple years. He said this action is suggesting that the Council review the Draft ADEPT, direct incoming City Manager Tim Rundel to review the ADEPT, forwarding their suggestion for inclusion into ADEPT. He said once reviewed by City Manager Tim Rundel, the ADEPT could return for consideration by the City Council.

Public comment:

Joseph Tucciarone, business owner in Auburn, spoke about the importance of this issue. He spoke of his concerns regarding high public safety costs and local taxes.

Council Member Hanley said the Council should be setting goals it would like to meet over the next 5 years. He reviewed proposed principals and provided feedback. He said the Council needs to work on reducing expenditures and boosting revenues now.

Council Member Nesbitt spoke about the importance of having more budget updates during severe situations. He said he concurs with many of Council Member Hanley's comments.

Council Member Holmes said he also concurs on many of the suggestions. He said he would like to see a more comprehensive economic development strategy.

Council Member Kirby spoke of the importance of aggressively looking at reorganization within the City to reallocate resources in a positive way. He said the Administrative Committee should meet more often. He said he wants to be proactive through this process. He spoke about contracting out services other than public safety. He spoke about having the discussion of annexation to strengthen the city for the long run.

Rich Ramirez said he agrees with the idea of restructuring. He spoke to the principal that addresses early-out incentives.

Mayor Powers said a 5 year strategic plan with the community involved is important. She spoke about decreasing spending.

Council Member Hanley spoke about an economic subset of a strategic plan within 6 months.

15. **Cancellation of a City Council Meeting**

By **MOTION**, approve the cancellation of the regular City Council meeting on May 26, 2014.

The motion was made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

REPORTS

16. **City Council Committee Reports**

Council Member Kirby reported on the Downtown Business Association meeting scheduled this week. He thanked Chief Ruffcorn and Lt. Pecoraro for their work on Amgen Tour of CA. He reported on Cal LAFCO activities.

Council Member Holmes reported on his trip to Washington D.C. and the numerous meetings he had while there.

Council Member Hanley reported on recent actions regarding SB983. He spoke about the revisions to the bill.

ADJOURNMENT at 9:00 pm.

Bridget Powers, Mayor

Stephanie L. Snyder, City Clerk

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